

Army Review Boards Agency



2011 ANNUAL REPORT

This year has been marked by a significant increase in the number of cases reviewed by the Army Review Boards Agency (ARBA). Changes in laws, Army policies, and challenging economic times all drive more Soldiers and Veterans to our doors seeking our assistance. Although we do not correct records solely to create entitlements for applicants to benefits provided by the Veteran's Administration or other agencies, the fact is that many of the actions we take do ultimately result in the receipt of earned benefits.

The repeal of Don't Ask Don't Tell (DADT) became effective on 20 September 2011. We anticipate several of our ARBA Boards will see applications from individuals previously discharged seeking to have their discharge documents amended to reflect the current standards. We will handle these cases with sensitivity, ensuring that justice and equity are applied in a consistent manner.

We have matured with the new missions we absorbed last year and now have better mechanisms to ensure over-

sight of Army Law Enforcement and timely processing of recommendations made by the Department of Defense Physical Disability Board of Review.

Our ability to meet the needs of more applicants with the same number of ARBA staff is due largely to efficiencies gained in recent years through reorganization and technology enhancements. However, none of this would be possible without the hard work and dedication of the civilian employees and Soldiers who serve at ARBA.

October 2011

Highlights for FY 2011

- Processed over 29,000 cases — a 24% increase over last year.
- Received the highest award bestowed by the American Correctional Association—the Golden Eagle.
- Facilitated transfer of MGIB benefits for Veterans who were unable to timely apply due to special circumstances.
- Prepared for DADT repeal cases.

Great Strides in Case Management

Our Case Management Division (CMD) is the "face" at the beginning and end of the case process for our two largest Boards, the Army Discharge Review Board (ADRB) and the Army Board for Correction of Military Records

(ABCMR). Since our last annual report, all CMD functions have been fully consolidated in Arlington, Virginia - previously we maintained an ARBA office in St. Louis. As a result of this consolidation, despite an increase in the overall number of cases received by these Boards, we were able to eliminate the CMD backlog and redistribute additional resources to other

critical areas within ARBA – well done CMD! In the near future, CMD will begin to perform the screening and promulgation functions for three additional Boards, the Officer Special Review Board (OSRB), Enlisted Special Review Board (ESRB) and the Department of the Army Suitability Evaluation Board (DASEB).

Transferability of Post 9/11 GI Bill Education Benefits



The Post-9/11 GI Bill was signed into law in July 2008. A significant provision of the law was the transferability of education benefits from service members to their eligible dependents. In order to qualify for this benefit, the Soldier must have been in an active status on or after August 1, 2009, the effective date of the Post-9/11 GI Bill.

During this fiscal year, the Army Board for Correction of Military Records (ABCMR) processed a number of applications from retired Soldiers who claimed to have attempted to transfer their education benefit to their dependents but were unable to complete the transaction. After coordinating with the Office of the Deputy Chief of Staff, G1, the ABCMR has generally accepted that confu-

sion existed at Army Education Centers on the proper procedures to implement the program and that there was a high probability that some Soldiers were not informed or improperly informed during the period August 1, 2009 to November 1, 2009. After November 1, 2009, the Board presumes that program managers had received appropriate guidance and information and that all Soldiers were properly briefed on the program.

This approach has enabled Soldiers affected during the program's transition period to take advantage of this important benefit.

ABCMR and PDBR Process PTSD Cases With New Standard

The 2008 National Defense Authorization Act provided that when making a determination of a member's disability rating the Military Department shall, to the extent feasible, utilize the Department of Veterans Affairs Schedule for Ratings Disabilities (VASRD). Section 4.129 of the VASRD contains information regarding mental disorders due to traumatic stress, including post traumatic stress disorder (PTSD).

Specifically, it states that when a mental disorder that develops in service as a result of a highly stressful event is severe enough to bring about the veteran's release from active military service, the rating agency shall assign an evaluation of not less than 50 percent and schedule an examination within the six-month period following the veteran's discharge to determine whether a change in evaluation is warranted. This standard was applied immediately by the Department of Defense Physical Disability Board of Review (PDBR).

In a 17 July 2009 memorandum, the Office of the Under Secretary of Defense (Personnel and Readiness) directed that as a matter of policy, all three BCMRs will apply VASRD Section 4.129 to PTSD unfitting conditions for applicants discharged after 11 September 2001 and, in such cases where a grant of relief is appropriate, assign a disability rating of not less than 50% for PTSD unfitting conditions for an initial period of six months following separa-

tion, with subsequent fitness and PTSD ratings based on the applicable evidence.

As a result of these changes both the PDBR and the ABCMR now direct retroactive placement for six months on the temporary disability retirement list of applicants meeting all relevant criteria and will then ensure evaluation of available medical documentation to determine placement on the permanent disability retirement list. Many of the cases in this category have been afforded priority processing. In the past year the ABCMR and PDBR processed over 300 applications from former Soldiers in an expedited manner. Many applicants previously separated for medical reasons with severance pay have received full disability retirements as a result of actions by the Boards to apply the new standards.



Case Production

BOARD	FY07	FY08	FY09	FY10	FY11
ARMY BOARD FOR CORRECTION OF MILITARY RECORDS (ABCMR)	13,578	16,756	13,628	15,913	22,436
ARMY DISCHARGE REVIEW BOARD (ADRB)	2,498	3,421	2,832	3,429	4,489
CONSCIENTIOUS OBJECTOR REVIEW BOARD (DACORB)	32	29	34	27	31
SUITABILITY EVALUATION BOARD (DASEB)	327	410	523	538	478
ENLISTED SPECIAL REVIEW BOARD (ESRB)	57	114	126	209	173
OFFICER SPECIAL REVIEW BOARD (OSRB)	161	153	148	141	132
PHYSICAL DISABILITY BOARD OF REVIEW (PDBR)	0	1	1	248	405
ARMY DISABILITY RATING REVIEW BOARD (ADRRB)	0	1	0	1	0
DEPARTMENT OF THE ARMY ACTIVE DUTY BOARD (DAADB)	0	0	0	0	0
ARMY BOARD FOR REVIEW OF ELIMINATION (Officer Elimination)	18	17	23	33	45
AD HOC REVIEW BOARDS (Probationary Officer Elimination)	44	37	54	44	58
(Resignation/Discharge in Lieu of Elimination)	77	85	65	74	67
(Resignation for the Good of the Service)	71	51	46	49	41
ARMY GRADE DETERMINATION REVIEW BOARD (AGDRB)	278	296	284	282	305
CLEMENCY AND PAROLE BOARD (C&P)	1,079	877	930	762	671
EEOCCR (realigned in FY10)	402	383	426	433	0
TOTAL	17,643	22,631	19,120	22,183	29,331

ARBA Prepares for DADT Cases

Legislation that repealed 10 U.S.C. § 654, commonly referred to as “Don’t Ask, Don’t Tell,” was signed into law in December 2010 and went into effect on September 20, 2011. This new law allows gay, lesbian, and bisexual Soldiers to serve openly in any branch of the military within the United States Department of Defense. Additionally, the repeal sets the stage for otherwise eligible former Soldiers to request re-entry into the military and to have certain entries on their discharge certificate changed. In cases where the former Soldier was involuntarily separated for homosexual admission with no aggravating factors, and requests an amendment to his or her discharge certificate, the narrative reason may

be changed from homosexual admission to Secretarial Authority and the re-entry eligibility code may be changed from RE-4 to RE-1. The characterization of service of most Soldiers discharged under DADT was and will remain as honorable. However, cases where aggravating factors contributed to the decision for separation will be reviewed on the merits of the case the same way any other misconduct case is reviewed. All ARBA Boards will evaluate cases in a sexual orientation neutral manner.

We at ARBA anticipate receiving a number of DADT cases over the next several years as the new law becomes better known and former Sol-

diers decide to seek records amendments. We have devised procedures to handle these cases along with our regular steady caseload. Individuals who were discharged within the past 15 years should apply to the Army Discharge Review Board for amendment to their discharge document; all others should apply to the Army Board for Correction of Military Records.

Army Awarded the Golden Eagle Award by the American Correctional Association

The U.S. Army was awarded the Golden Eagle Award by the American Correctional Association (ACA) on 8 August 2011. The Golden Eagle Award is presented to agencies that accredit all of their facilities and offices associated with corrections. The Army is one of approximately 17 federal and state agencies and the only DoD agency to be awarded the Golden Eagle Award. The Army has all of its correctional facilities, the Army Corrections Command, Army Clemency and Parole Board, and the

Correctional Training Academy accredited.

ACA is the oldest and largest international correctional association in the world. Founded in 1870 as the National Prison Association, ACA is the oldest association developed specifically for practitioners in the corrections profession. During the first organizational meeting in Cincinnati, Ohio, the assembly elected then-Ohio Governor and future President Rutherford B. Hayes as the first President

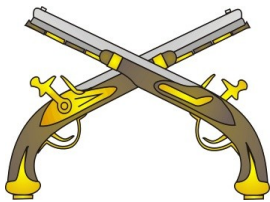
of the Association. Military Corrections evolved from this first meeting.

The ACA accreditation process involves assessments that cover administration and management, the physical plant, institutional operations and services, and inmate programs. It also assesses issues that may affect the quality of life at a facility such as staff training, adequacy of medical services, sanitation, use of segregation and detention, incidents of violence,

crowding, offender activity levels, programs, and provisions of basic services that may impact the life, safety and health of inmates and staff. ACA standards are considered the “best practices” in the corrections business.

This award is an immense asset and achievement for any agency that participates in the accreditation process. Of course, it could not have been achieved if it weren't for all the Soldiers and civilian staff members working in the different facilities and agencies. ARBA plays an important role in the process. Part of ARBA's corrections oversight role includes managing the Army accreditation process and serving as the accreditation manager.





Law Enforcement Oversight

Upon assuming its law enforcement oversight mission in 2010, ARBA developed a comprehensive oversight plan and implemented it in 2011. The Office of the Provost Marshal General (OPMG) provides semi-annual briefings on its activities to ARBA and an annual briefing to the Assistant Secretary of the Army for Manpower and Reserve Affairs (ASA

M&RA). This year ARBA met with the Director, Office of the Secretary of Defense (OSD) for Law Enforcement Policy and Support, and established regular Law Enforcement Oversight coordination meetings with the Army Office of General Counsel. We also provided ASA M&RA input on various issues including the revamped Army Protection Program

resulting from the Ft Hood shootings; task action plans resulting from the Army's report on Health Promotion/ Risk Reduction/ Suicide Prevention; and updates to policies and regulations on Law Enforcement and Force Protection.

Army Clemency and Parole Board (ACPB) Sees an End to an Era

Mr. James E. Vick retired in August, after 30 years of distinguished service as the Chairperson of the ACPB. As Chair, Mr. Vick acted for the Secretary of the Army and the Assistant Secretary of the Army for Manpower and Reserve Affairs on applications by Army prisoners for release on Parole or Mandatory Supervised Release and recommended executive clemency for offenders.

When appointed as Chair, Mr. Vick was charged with improving an agency that had a number of challenges to include a backlog of cases and violation hearings, slow processing procedures, and inconsistent agency operations. Today the agency is the only Service Clemency and Parole Board and only one of six parole boards nationally accredited by the American Correctional Association; is the only Service Clemency and Parole Board with an electronic parole board that has reduced costs and improved timeliness of actions; and has established policy and procedures that guide the board to make timely and sound decisions that balance public safety and an

offender's release back into the community with the maximum possible opportunity for successful re-entry.

In 2011, Mr. Vick was awarded the Association of Paroling Authorities International (APAI) Ben Baer Award. The award is given to recognize and reward an individual who has demonstrated significant service in the field of parole or community corrections. In 2005, he was awarded the APAI Vincent O'Leary award, which is given to recognize and reward an individual who has demonstrated significant contributions to the APAI and has demonstrated vision, leadership and commitment to the field of parole. Mr. Vick is only one of two individuals to be awarded both international parole awards since their inception.

Though he has big shoes to fill, ARBA is fortunate to have hired Mr. Steve Andraschko to be the new Chairperson of the ACPB. Mr. Andraschko most recently served as the Deputy Director of Army Corrections Command. He is a former ARBA board member and Commandant of the United States Dis-

ciplinary Barracks. He has vast experience in corrections at all levels of Army facilities and at the headquarters level. We expect Mr. Andraschko to continue on the path of excellence Mr. Vick has established.



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We're on the Web:

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The Army Review Boards Agency, on behalf of the Secretary of the Army, serves as the highest administrative level for review of personnel actions taken by lower levels of the Army and administers 15 boards. The Agency headquarters is located in Arlington, Virginia. We are authorized a staff of 151 personnel comprised of civilians (many of whom have served in the military) and military. We oversee the Army Corrections and Law Enforcement functions and interface frequently with the Bureau of Prisons, US Parole Commission, various state and federal law enforcement agencies and the nation's court system.

It is our privilege and honor to do this important work.

Catherine C. Mitrano

Deputy Assistant Secretary of the Army

Director, Army Review Boards Agency

***Serving Soldiers, Veterans and their Families with
Justice, Equity and Compassion***

ARBA Year in Review

